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Report of

THE SURFACE RECLAMATION COUNCIL

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1. Role and Functions of the Surface Reclamation Council

...ce Reclamation Act was passed in 1963 and amended in 1967. It ...he Surface Reclamation Council to consist of members appointed by the Lieutenant Governor in Council and members appointed by local authorities.

1.1 The Surface Reclamation Act

The role and function of the Surface Reclamation Council are contained within the Act. It is thought that in this first reporting of the Council with the Department of the Environment, some attention should be given to the directives in the Act.

1.1.1 Application of the Act

The Act applies to all lands in the Province, including Crown lands, that are surveyed, but does not apply to lands within forest reserves constituted under The Forest Reserves Act.

1.1.2 Functions of the Council

In the words of The Surface Reclamation Act, where land has been or is being held incidental to or in connection with

(a) the drilling, operation or abandonment of a well, or

(b) the construction, operation or abandonment of a pipe line or battery, or

(c) the opening up, operation or abandonment of a mine or quarry, the conditioning, maintenance and reclamation of the surface of the land shall be performed in a manner satisfactory to the Council in accordance with the Act.

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The Council may hold an inquiry with respect to the condition of any land that has been or is held under a surface lease or right of entry order or that has been or is being used for any purpose related to wells, pipe lines, batteries, mines, or quarries.

Inquiries conducted by the Council are made by two members of the Council: one member appointed by the local authority and one member appointed by the Lieutenant Governor in Council.

Where, at or following the inquiry, it is the opinion of the Council that measures should be taken to properly condition, maintain or reclaim the surface of the land, the Council may issue an order setting out the measures to be taken and the date by which the work is to be completed. A reclamation order may direct the performance of any act necessary, in the opinion of the Council, to condition, maintain or reclaim the land including the prevention of weed growth, removal of hazards to livestock and the repair of fences, gates, cattle guards or culverts.

Where, at or following an inquiry held in connection with an abandonment, it is the opinion of the Council that the surface of the land is in satisfactory condition, the Council issues a reclamation certificate.

Where the owner or occupant of the land surface has consented to the surrender or termination of the surface lease or right of entry order, the chairman of the Council may issue a reclamation certificate. However, without this consent, no surface lease or right of entry order may be surrendered or terminated until a reclamation certificate has been issued.

Appeals regarding reclamation orders or reclamation certificates may be made to the district court of the judicial district in which the land is situated.

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1.2 The Role of the Surface Reclamation Council

As set out in legislation, the Surface Reclamation Council has functions that put it into relationship with land owners or occupants, with the petroleum and mineral development industry, and with local authorities. It is to relate to these three sectors in respect of the conditioning, maintenance and reclamation of the surface of the land.

The intention of the Act is that, in carrying out its functions, the Council will ensure the conservation of the land surface as the environmental base. The Council undertakes inquiries into the condition of the land surface at the request of the land owner, the occupant, or the industry. As well, the Council may, on its own initiative, or upon representations from the public, inquire into any matter pertaining to the land surface when used for any purpose related to wells, pipe lines, batteries, mines, or quarries.

1.2.1 Relationship to Land Owners or Occupants

The role and functions of the Surface Reclamation Council require it to be in contact with the land owner or occupant. Complaints concerning the condition of the land surface are made to the Council by the land owner or occupant. When the Council conducts an inquiry, the landowner is informed of the nature and purpose of the inquiry, although the Council does have the legal right to enter and inspect lands to which the Act applies. Also, the landowner or occupant receives a copy of any reclamation certificate issued for his land by the Council.

1.2.2 Relationship to Industry

The Surface Reclamation Council is in contact with industry regarding the conditioning, maintenance and reclamation of the surface of land to which the Act applies. Operators seek advice from the Council regarding the reclamation requirements of the Council. The Council also issues reclamation orders or reclamation certificates to industry.

1.2.3 Relationship to Local Authorities

Each local authority in the Province is responsible for appointing one or more members to the Council. Members of the Surface Reclamation Council appointed by a local authority may participate only in inquiries involving land in the municipality for which he is appointed. By appointing a local member to the Council, the interest of the local authority are represented in the administration of the Act within the municipality.

1.2.4 Relationship to Other Government Departments and Agencies

The role and functions of the Surface Reclamation Council require it to work closely with the Department of Lands and Forests, The Surface Rights Board and the Energy Resources Conservation Board on matters relating to the reclamation of the land surface. On lands to which The Surface Reclamation Act does not apply (unsurveyed lands of the Crown), The Public Lands Act has provision for similar and complementary requirements for surface reclamation. Thus, the Department of Lands and Forests and the Surface Reclamation Council perform similar activities, but the Surface Reclamation Council has jurisdiction on surveyed lands and

the Department of Lands and Forests has jurisdiction on unsurveyed lands. On surveyed lands owned by the Crown and administered by the Department of Lands and Forests, the Surface Reclamation Council informs the Department of Lands and Forests when surface reclamation certificates are issued for these lands. Also, surface reclamation conditions attached to mineral surface leases and licences of occupation issued the Department of Lands and Forests are reviewed by the Surface Reclamation Council.

Since the Surface Rights Board cannot terminate a right of entry order in so far as the termination relates to any interest of the owner until a reclamation certificate has been issued pursuant to The Surface Reclamation Act, the Surface Rights Board and the Surface Reclamation Council work closely on matters of mutual concern. Also, the Council members refer land owners to the Surface Rights Board on matters over which the Board has jurisdiction.

The Surface Reclamation Council and the Energy Resources Conservation Board share a joint responsibility in the clean-up and reclamation of well sites. As a matter of administrative practice, the concerns of the Energy Resources Conservation Board extend to the initial clean-up of the well site following completion of drilling while the concerns of the Surface Reclamation Council extend to the final reclamation of the well site and the requirement for certification. Occassionally, both the Board and the Council conduct joint investigations of oil spills.

1.3 Summary of Roles and Functions

The Surface Reclamation Council functions to conserve the land surface as the environmental base on those lands which are surveyed and are used for mineral development purposes. The Council's functions put it into relationship with land owners or occupants, the mineral development industry, local authorities and other government departments and agencies. It relates to these sectors in respect of the conditioning, maintenance and reclamation of the surface of land to which the Act applies.

2. Membership of the Council

Since 1963, the Council has steadily expanded its membership so that by the end of 1972 it included 57 local members appointed by local authorities and 14 government members appointed by the Lieutenant Governor in Council. A review of the Council's membership was undertaken this year and as a result the membership at year end was as follows:

Council Chairman: Dr. E. E. Ballantyne

Acting Council Chairman: Mr. H. W. Thiessen

Council Secretary: Mr. S. Tracy

Local Members for Municipalities:

M.D. of	Members	Address
Acadia No. 34	none	
Bonnyville No. 87	Jules Muller Arnold Harper	Bonnyville Bonnyville
Cardston No. 6	Garth Coleman	Magrath
Fairview No. 136	none	
Foothills No. 31	John Wells	High River
Kneehill No. 48	George Boles Harold Richardson	Three Hills Three Hills
Peace No. 135	W. E. Fraser	Grimshaw

M.D. of	Members	Address
Pincher Creek No. 9	Heinz Schulz	Pincher Creek
Provost No. 52	Harry Hobbs	Provost
Rocky View No. 44	George L. Munro Frank Reid	Indus Airdrie
Smoky River No. 130	Jean Guerin	Falher
Spirit River No. 133	Robert J. Scott	Spirit River
Starland No. 47	Donald W. Sharpe	Morrin
Sturgeon No. 90	Archie Cameron	Morinville
Taber No. 14	Kimball Anderson	Raymond
Westlock No. 92	Ray Johnson	Westlock
Willow Creek No. 26	Edwin C. Nelson	Stavely
Wainwright No. 61	R. E. Congdon	Wainwright

Local Members for Counties:

County of	Members	Address
Athabasca No. 12	Stan Zayezierski	Athabasca
Barrhead No. 11	Dick Hobbs	Campsie
Beaver No. 9	Daniel Manderson	Ryley
Camrose No. 22	W. R. Lindsay	Ohaton
Flagstaff No. 29	William MacLaren	Sedgewick
Forty Mile No. 8	Vernon Arnold	Foremost
Grande Prairie No. 1	Norman Stanley	Grande Prairie
Lacombe No. 14	Donald A. Graham Walter Hoglund	Lacombe Eckville
Lac Ste. Anne No. 28	Ole Johnson Fred A. Rolof	Sangudo Sangudo
Lamont No. 30	Walter Skitsko	Lamont
Leduc No. 25	Clyde Cunningham	Sunnybrook
Lethbridge No. 26	Don Wingfield	Lethbridge
Minburn No. 27	Chester Gamble	Mannville
Mountain View No. 17	W. Owens C. Moritz	Carstairs Olds
Newell No. 4	James Hajash	Brooks

County of	Members	Address
Paintearth No. 18	George W. High	Castor
Parkland No. 31	Kenneth King William Moelhoff	Stony Plain Stony Plain
Ponoka No. 3	Walter Peabody	Rimbey
Red Deer No. 23	Donald J. Towers	Red Deer
Smoky Lake No. 13	John Jusypink	Smoky Lake
Stettler No. 6	William L. Cook	Stettler
St. Paul No. 19	Roger Tessier	St. Paul
Strathcona No. 20	James Allanach	Ft. Saskatchewan
Thorhild No. 7	Sam Vercholuk	Egremont
Two Hills No. 21	John Bidulock	Two Hills
Vermilion River No. 24	Norman H. Armstrong	Vermilion
Vulcan No. 2	R. Kotkas	Barons
Warner No. 5	Kimball Anderson	Raymond
Wetaskiwin No. 10	Aron P. Brown Richard Erickson	Winfield Ferintosh
Wheatland No. 16	Kjeld Pedersen	Strathmore

Local Members for Improvement Districts:

I.D. of	Members	Address
No. 10	Walter Hoglund	Eckville
No. 11	Walter Peabody	Rimbey
No. 14	Everett B. Brandt	Violet Grove

Other I.D.'s and Special Areas have no representation.

Government Members:

Members	Address
R. J. Baert	Edmonton
E. N. Boddy	Red Deer
R. F. Buckley	Red Deer
N. A. Chase	Calgary
H. E. Christensen	Red Deer
L. C. K. Grant	Lethbridge
R. S. Hargrave	Peace River

Members	Address
R. M. Lowe	Edmonton
B. C. McNeely	Medicine Hat
R. W. Onciul	Edmonton
K. V. Ovelson	Edmonton
E. W. Oviatt	Lethbridge
M. C. Pittman	Edmonton
R. K. Pituka	Edmonton

3. Activities

On March 1, 1972 the administration of the Surface Reclamation Act was transferred by Order-in-Council 303/72 to the Interdepartmental Relations and Land Conservation Division. Prior to the transfer, The Surface Reclamation Act was administered by the Department of Mines and Minerals from June 1, 1963 to February 29, 1972.

During 1972 the Surface Reclamation Council issued 863 reclamation certificates and 108 orders to perform work under The Surface Reclamation Act. Since the Act came into force on June 1, 1963, a total of 15,696 certificates and 1,401 orders have been issued.

(Note: Due to the administrative transfer of the Council, the Council will now be reporting on a Calendar basis and not on a fiscal basis as was the case in the past.)

The following chart summarizes the transactions under The Surface Reclamation Act from June 1, 1963 to December 31, 1972:

Transactions Under The Surface Reclamation Act

June 1, 1963 to December 31, 1972